

REMARKS

Claims 21-40 are pending in this application. Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant respectfully submits that the new Claims 21-40 do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §103 REJECTIONS:

The Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Ross, Jr., et al, U.S. Patent No. 6,629,135 (Ross). As noted above, Applicant has cancelled Claims 1-20, without prejudice, and Applicant has

added new Claims 21-40. Applicant respectfully submits that the new Claims 21-40 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 21-40, is patentable over the prior art.

IA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-34, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 21-34, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest an apparatus for effectuating an affiliated marketing relationship, comprising a database, wherein the database stores information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content

provider, and information for establishing an affiliated marketing relationship with the at least one content provider, and a receiver, wherein the receiver receives a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant, all of which features are specifically recited features of independent Claim 21.

Applicant further respectfully submits that Ross does not disclose or suggest a processing device, wherein the processing device processes the query and generates a message in response to the query, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and a transmitter, wherein the transmitter transmits the message to the communication device or computer associated with the merchant in response to the query, all of which features are still other specifically recited features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 21, which features are important and recited features of said independent Claim 21. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Ross.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art. Applicant further respectfully submits that Claims 22-34, which claims depend either directly or indirectly from independent Claim 21, so as to include all of the limitations of independent Claim 21, are also patentable as said Claims 22-34 depend from allowable subject matter.

Allowance of pending Claims 21-34 is, therefore, respectfully requested.

**IB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 35-40,
IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 35-40, is patentable over the

prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 35, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 35, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest a computer-implemented method for effectuating an affiliated marketing relationship, comprising storing information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and information for establishing an affiliated marketing relationship with the at least one content provider, and receiving a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant, all of which features are specifically recited features of independent Claim 35.

Applicant further respectfully submits that Ross does not disclose or suggest processing the query with a processing device, generating a message in response to the query with the processing device, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and transmitting the message to the communication device or computer associated with the merchant, all of which features are still other specifically recited features of independent Claim 35.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 35, which features are important and recited features of said independent Claim 35. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 35, is patentable over Ross.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 35, is patentable over the prior art. Applicant


further respectfully submits that Claims 36-40, which claims depend either directly or indirectly from independent Claim 35, so as to include all of the limitations of independent Claim 35, are also patentable as said Claims 36-40 depend from allowable subject matter.

Allowance of pending Claims 35-40 is, therefore, respectfully requested.

II. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-40, is respectfully requested.

Respectfully Submitted,


Raymond A. Joao
Reg. No. 35,907

Encls.: - Abstract of the Disclosure

July 24, 2004

Raymond A. Joao, Esq.
122 Bellevue Place
Yonkers, New York 10703
(914) 969-2992